

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Kevin Fernandez,)	
)	ORDER
Plaintiff,)	
)	
vs.)	
)	Case No. 1:13-cv-094
State of North Dakota, et. al,)	
)	
Defendants.)	

On March 10, 2014, defendant filed a notice of appeal from this court's order dismissing the above-entitled action without prejudice. He also filed a "Motion for Leave to Proceed on Appeal in Forma Pauperis," which this court denied in an order dated March 31, 2014.

On August 5, 2014, the Eighth Circuit summarily affirmed this court's dismissal of the above-entitled action. However, before doing so, it granted defendant's application to proceed on appeal *in forma pauperis*, assessed the full \$505 in appellate and filing fees against defendant, and remanded the assessment and collection of those fees to this court.

In accordance with the Eighth Circuit's instructions, this court **ORDERS** that defendant shall pay the \$505 appellate and docketing fees assessed by the Eighth Circuit to the Clerk of the District Court for the District of North Dakota from his inmate spending account in accordance with the payment plan set forth in 28 U.S.C. § 1915(b)(2). The institution where defendant is incarcerated is required to post payments in an amount of 20% of each future month's income placed in defendant's inmate spending account.¹ Payments shall be made each time the amount in defendant's

¹The record reflects that defendant is presently incarcerated at the Ely State Prison in Ely, Nevada.

account exceeds \$10.00 and continue until the \$505 in appellate and docketing fees are paid in full.

Dated this 11th day of August, 2014.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court